"§ 112. Drug interdiction and counter-drug activities

"(a) FUNDING ASSISTANCE.—The Secretary of Defense may provide to the Governor of a State who submits a plan to the Secretary under subsection (b) sufficient funds for—

"(1) the pay, allowances, clothing, subsistence, gratuities, travel, and related expenses of personnel of the National Guard of that State used for—

"(A) the purpose of drug interdiction and counter-drug activities; and

"(B) the operation and maintenance of the equipment and facilities of the National Guard of that State used for that purpose; and

"(2) the procurement of services and leasing of equipment for the National Guard of that State used for the purpose of drug interdiction and counter-drug activities.

"(b) PLAN REQUIREMENTS.—A plan referred to in subsection (a) shall—

"(1) specify how personnel of the National Guard of that State are to be used *in* drug interdiction and counter-drug activities;

"(2) certify that those operations are to be conducted at a time when the personnel involved are not in Federal service; and

"(3) certify that participation by National Guard personnel in those operations is service in addition to annual training required under section 502 of this title.

"(c) EXAMINATION OF PLAN.—(1) Before funds are provided to the Governor of a State under this section, the Secretary of Defense shall examine the adequacy of the plan submitted by the Governor under subsection (b).

"(2) Except as provided in paragraph (3), the Secretary shall carry out paragraph (1) in consultation with—

"(A) the Attorney General of the United States in the case of a plan submitted for fiscal year 1990; and

"(B) the Director of National Drug Control Policy in the case of a plan submitted for subsequent fiscal years.

"(3) Paragraph (2) shall not apply if—

"(A) the Governor of a State submits a plan under subsection (b) that is substantially the same as a plan submitted for that State for a previous fiscal year; and

"(B) funds were provided to the State pursuant to such plan.

"(d) STATUTORY CONSTRUCTION.—Nothing in this section shall be construed as a limitation on the authority of any unit of the

National Guard of a State, when such unit is not in Federal service, to perform law enforcement functions authorized to be performed by the National Guard by the laws of the State concerned.

"(e) EXCLUSION FROM END-STRENGTH COMPUTATION.—(1) Members of the National Guard on active duty or full-time National Guard duty for the purposes of administering this section shall not be counted toward the annual end strength authorized for reserves on active duty in support of the reserve components of the armed forces or toward the strengths authorized in sections 517 and 524 of title 10.

"(2) The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives an annual report specifying for the period covered by the report the number of members of the National Guard excluded under paragraph (1) from the computation of end strengths.